

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13:

LAVARN WHITE

NO. 07-01463-EE

TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW Trustee, James L. Henley, Jr., and files this his Objection to Confirmation and Schedule C Exemption and in support thereof, would show unto the Court the following:

1. The United States Bankruptcy Code provides that debtors' plan should be filed in good faith.
2. Title 11 Section 1325(b)(1)(B) of the United States Bankruptcy Code provides that all of a debtor's projected disposable income to be received in the three-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.
3. The debtor's plan provides for the payment of one (1%) percent to unsecured creditors over a period of fifty-seven months. Total unsecured debt identified by the debtor is \$10,741.72.
4. The debtor's plan sheet is incorrect; the plan proposes to pay the debtor's mortgage with Midstate in full over the life of the plan instead of as a continuing mortgage.
5. The debtor's plan provides for the payment and retention of three vehicles, a 2004 Jeep Liberty for \$300.32 per month, a 2004 Van for \$267.47 per month and a 1998 Mazda 626 for \$17.54 per month. The total for all vehicles over the life of the plan is \$33,363.81.
6. Absent the retention of the 2004 Van, the debtor's disposable income would be sufficient to provide for a one hundred (100%) percent distribution to unsecured creditors.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that this Objection be received and filed and at the hearing hereon an Order be entered denying confirmation and dismissing the case; alternatively, amendment of the plan to provide continuing mortgage payments to Midstate; payment of one hundred (100%) percent to unsecured creditors; and for such other, further, and general relief to which the Trustee and this bankruptcy estate may be entitled.

DATED: June 11, 2007

Respectfully submitted,

/s/ James L. Henley, Jr.
JAMES L. HENLEY, JR., MSB # 9909
CHAPTER 13 TRUSTEE
P. O. Box 2659
Jackson, MS 39207-2659
(601) 981-9100

CERTIFICATE OF SERVICE

I, James L. Henley, Jr., do hereby certify that I have this day mailed (postage prepaid) and/ or electronically filed a true and correct copy of the above and foregoing Objection to Confirmation to the following, all by United States mail, postage prepaid: Ron McAlpin, Asst. U. S. Trustee, 100 W. Capitol, Suite 706, Jackson, MS 39269 and John H. Anderson, Esq., 713 Arledge Street, Hattiesburg, MS 39401-4339.

DATED: June 11, 2007

/s/ James L. Henley, Jr.
James L. Henley, Jr.